

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE COMMONWEALTH OF PUERTO
RICO, et al.,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS
(Jointly Administered)

**RESPONSE IN OPPOSITION TO “URGENT MOTION BY O’NEILL & BORGES
LLC SEEKING EXTENSION OF THE DEADLINE TO RESPOND TO THE
MOTION TO DISQUALIFY THE LAW FIRM OF BY O’NEILL & BORGES LLC
FOR [PURPORTED] UNRESOLVABLE CONFLICTS OF INTEREST INCURRED
IN VIOLATION OF THE PUERTO RICO RECOVERY ACCURACY
DISCLOSURES ACT OF 2021, 48 USC 2101 ET SEQ FILED BY R&D MASTERS
ENTERPRISES, INC [ECF 23285]” [ECF23454]**

To the Honorable United States District Judge Laura Taylor Swain:

Comes now Creditor, R&D Master Enterprises, Inc., by and through the undersigned attorney, who respectfully requests and prays as follows:

1. Pending before this Honorable Court is a motion to disqualify the law firm of O’Neill

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17- BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17- BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations.)

& Borges for unresolvable conflict of interest (See ECF 23285).

2. As per Court Order, O'Neill & Borges LLC has until today 5:00pm (Atlantic Standard Time) to file, if any, its response in opposition.
3. The O'Neill & Borges LLC has filed an Urgent Motion requesting an extension of time of 30-days² to file its responsive paper.
4. As per the motion, O'Neill & Borges LLC argues that it is in the process of drafting its response to the motion to disqualify but in order to file a comprehensive and thorough response thereto, requires 30 additional days to finalize the same. (See ECF 23454 page 3 ¶ 4).
5. Federal Rules of Bankruptcy Procedure Rule 9006 (b) (1) grants the Court discretion to extend time to act within a specified period. As per the Rule, the Court can so allow the extension **for cause**.
6. Although a party should not ordinarily object to a request for an extension of time from the other side, unfortunately in this case the norm does not apply.
7. First off, the law firm fails to comply with Rule 9006(b)(1) and does not provide any valid reason for the extension. The motion is but a mere boilerplate motion seeking more time. For such reason the request should be denied.
8. On another note, the matter raised before the Court is not new. Mr. Carlos Lamoutte filed before this Honorable Court a pro se motion requesting the disqualification of O'Neill & Borges LLC for unresolvable conflict of interest. (See Doc. Nos. 20,873, 20,923, 20,946, 20,989, 20,959, 21,094, 21,096, 21,124, 21,485, 21,572, 21,604, 21,854, 21,925, 21,938, 21,970, 21,975, 21,989, 21,990, 22,020, 22,025, 22,035,

² Since the 30-day extension ends on a Saturday, the actual extension of time is of 32-days.

22,090, 22,146, 22,216, 22,232, 22,320, 22,401, 22,404, 22,419, 22,468, 22,485, 22,487, 22,756, 22,779, and 22,800 (collectively, the “Disqualification Pleadings”).

9. Since May 19, 2022 O’Neil & Borges LLC has been put on notice that their practice and participation in the Puerto Rico Bankruptcy proceedings (arguably the largest bankruptcy of the United States history) has raised concerns on conflict of interest and in violation of Puerto Rico Recovery Accuracy in Disclosures Act of 2021, 48 USC 2101 et seq.). Consequently, it has had ample time to address the matters raised.
10. Should the Court be inclined to allow an extension of time, only a reasonable time should be awarded, and 32 days is completely unreasonable. Given the specifics of the matter before the Court any extension should not be for more than 5 calendar days.

WHEREFORE, the Movant hereby respectfully petitions the Court to deny O’Neill & Borges LLC motion for extension of time as requested.

RESPECTFULLY SUBMITTED.

In San Juan, PR this 2nd day of February 2023.

It is hereby certified that the foregoing motion was filed with the Clerk of the Court and notified to the parties, via the CM/ECF system of the Court.

S/Javier A Rivera-Vaquer
USDC-PR No. 225809

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EXHIBIT A

PROPOSED ORDER

UNITED STATES DISTRICT COURT
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THE FINANCIAL OVERSIGHT AND
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ORDER DENYING EXTENSION OF TIME

On January 19, 2023 R&D Master Enterprises, Inc., a creditor of the Commonwealth of Puerto Rico (the “Movant”), filed a motion for the disqualification of the law firm of O’Neill & Borges LLC due to unresolvable conflict of interest (Docket Entry No. 23285)

Upon reviewing the Motion to Disqualify, the Court issued order wherein responsive papers, if any, **must be filed** by February 2, 2023 at 5pm (Atlantic Standard Time), (Docket Entry No. 23298).

O’Neil & Borges LLC has filed an urgent motion to extend it’s time to file a response. (Docket Entry No. 23545). No cause has been provided under the motion, as such the same is denied.

SO ORDERED.

Dated: February ____, 2023

Laura Taylor Swain
United States District Judge